

Appl. No. 09/559,704  
Amendment dated December 16, 2003  
Reply to Office Action of September 17, 2003

### SUMMARY

The following remarks are responsive to the points raised in the September 17, 2003 Office Action. In the Office Action, claims 1, 16, 25, and 34 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Anderson* (U.S. 2,502,117). Claims 1-3, 11-16, 25-29, and 34 were entered in the 102 rejection section, but were rejected under 35 U.S.C. § 103(a) as being anticipated by *Stone* (U.S. 5,551,938). (Applicants presume the entry of rejection under 35 U.S.C. § 103(a) was a mistype by the Examiner and has addressed this rejection as being under 102(b) throughout this Amendment. Applicants would appreciate confirmation of such presumption.) Claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* (U.S. 2,502,117). Claims 4-7 and 30-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stone* (U.S. 5,551,938) in view of *Stokes* (U.S. 1,880,288). Upon review of the application, Applicants note that claims 36-39 remain pending in the application, but were the subject of an election requirement by the Examiner. Since Applicants believe that the application is now in line for allowance, Applicants have canceled claims 36-39 to allow all pending claims to pass to issue. Applicants reserve the right to pursue claims 36-39 in a continuing application. Upon entry of this Amendment, claims 1 and 25 will have been amended and claims 1-7, 9-16, and 25-34 will remain pending in this application. Entry and consideration of this Amendment are respectfully requested.

### REMARKS

Claims 1, 16, 25, and 34 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Anderson*. Claims 1-3, 11-16, 25-29, and 34 were presumably rejected under 35 U.S.C. § 102(b) as being anticipated by *Stone*. Claims 9-10 were rejected under 35 U.S.C. § 103(a) as being

Appl. No. 09/559,704  
Amendment dated December 16, 2003  
Reply to Office Action of September 17, 2003

unpatentable over *Anderson*. Claims 4-7 and 30-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stone* in view of *Stokes*. Applicants traverse these rejections. Since these rejections are based on either the *Anderson* or the *Stone* references, the rejections will be grouped together for ease of consideration thereof.

*Anderson*

The Examiner has relied upon the *Anderson* reference as disclosing all claimed elements.

Specifically, the Examiner states that:

Anderson discloses a method for forming carton blanks comprising advancing a web of paperboard 39 along a path; progressively applying, with an adhesive, at least one ribbon of reinforcing material 42 with a width less than the paperboard; the paperboard is then cut into individual carton blanks and then are formed into cartons for receiving articles (see Fig. 1).

However, *Anderson* fails to disclose each and every element of the independent claims and thus should not have been relied upon as a basis of rejection under 35 U.S.C. § 102(b).

Independent claims 1 and 25 require "advancing a web of paperboard", applying a "ribbon of reinforcing material to the advancing web of paperboard", and "cutting the web of paperboard to form carton blanks having panels." In contrast, as described in Column 3, lines 24-65 and as shown in Fig. 1, of *Anderson*:

the blanks 35 which are to be lined are arranged in a stack and are fed from one end of the stack, i.e., from the bottom in a direction perpendicular to the direction of the slots in the blank. Each blank 35 includes score lines 36 which assist in the ultimate folding of the blank. The blank is also provided with slots 37 which divide the outer edges of the blank into top and bottom flaps 39; each of which is attached to one of the body sections 38 of the blank.

The blanks are fed from the stack in spaced relation so that a line of blanks travels continuously through the first sections of the machine with the blanks spaced a pre-determined distance apart. A

Appl. No. 09/559,704  
Amendment dated December 16, 2003  
Reply to Office Action of September 17, 2003

glue-applying roller 114 cooperates with a glue-applying roller 128 to apply stripes 41 of adhesive longitudinally of each blank.

A continuous strip of lining material 42 is fed from a supply spool 43 and is laminated to the blank by means of the adhesive stripes and by cooperating laminating rolls, two of which, 217 and 218, are shown in Fig. 1. This lining material 42 is of a width which is greater than that of the body sections 38 of the blank so that the outer edges 42 of the lining overlap the top and bottom flaps 39 and a portion of the slots 37 between such flaps.

**After the laminating operation, the lining material is severed between the blanks by cooperating cutting members 334 and 335.** The point of severance is preferably shown immediately adjacent the forward edge of each blank so that a flap 45 extends from the trailing edge of each blank.

After the cutting operation, the lined blank with its trailing flap is moved transversely of the original line of feed to a slitting station where **knives 447 and 453 slit the lining material** to correspond to each of the slots 37 in the blank **and also slit the lining material immediately adjacent the trailing edge of the blank.**

Thus, *Anderson* discloses a method of lining pre-cut blanks, which already have panels cut therein, and provides a method and apparatus for cutting the lining, but not for cutting the paperboard into blanks as presently claimed. Accordingly, *Anderson* fails to disclose the claimed method of advancing a web of paperboard and then cutting the web of paperboard to form carton blanks after a ribbon of reinforcing material has been applied thereto. *Anderson* is instead concerned with applying the lining material to blanks and then cutting the lining material between the blanks to form a laycred portion on the precut blanks.

Additionally, *Anderson* relies upon the use of pre-cut blanks in its process and the *Anderson* apparatus cannot be used with a paperboard web as presently claimed. Specifically, column 3, lines 52-58 details that:

Appl. No. 09/559,704  
Amendment dated December 16, 2003  
Reply to Office Action of September 17, 2003

After the laminating operation, the lining material is severed between the blanks by cooperating cutting members 334 and 335. The point of severance is preferably shown immediately adjacent the forward edge of each blank so that a flap 45 extends from the trailing edge of each blank.

Column 14, lines 58-64 further details that:

The cutting section is designed to sever the laminating material close to the leading edge of each blank so that a section 45 (Fig. 16) of the laminating material will extend rearwardly from the trailing edge of each blank to serve as an overlapping internal seal when the blank is finally folded into box form.

Precut blanks are essential to the Anderson process since they provide for the formation of the flaps, overlaps, or tails in the lining material. These flaps could not be formed by the claimed apparatus or method that cuts the coupled web and reinforcing material after the reinforcing material has been applied to sever the carton blank from the web without leaving a flap section at the trailing edge of the blank.

Thus, *Anderson* fails to disclose each and every element of the independent claims and rejections based thereupon should be withdrawn as moot.

The dependent claims are allowable for the same reasons as the independent claims they depend from as inheriting the allowable subject therefrom.

**Stone**

The Examiner also has rejected the independent claims as being anticipated by *Stone*.

Specifically, the Examiner avers that:

Stone discloses a method for forming carton blanks comprising advancing a web of paperboard 42 along a path; progressively applying, with an adhesive, at least one ribbon of reinforcing material 38 with a width less than the paperboard substantially overlying a selected panel portion; the paperboard is then cut into individual carton blanks and then are formed in cartons for

Appl. No. 09/559,704  
Amendment dated December 16, 2003  
Reply to Office Action of September 17, 2003

receiving articles (see Figs. 1-3). Stone teaches manufacturing a paperboard carton with a reinforcing collar made of "either paperboard, thick paper ... or flexible plastic." (Col. 4, lines 48-49). Therefore, paperboard trim, cull, etc. is considered Stone anticipated.

In rejecting dependent claims, the Examiner further states that *Stone* does not disclose a plurality of reinforcing ribbons and relies upon the *Stokes* reference to teach reinforcing carton blanks with a plurality of ribbons and avers that it would have been obvious to one of ordinary skill in the art to use the teachings of *Stokes* in the invention of *Stone* to reinforce more than one side of the carton.

However, *Stone* fails to disclose each and every element of the independent claims. Specifically, claim 1 as amended includes "progressively applying and adhering at least one ribbon of reinforcing material to the advancing web of paperboard, the ribbon having a width less than the width of the web of paperboard and being positioned to overlie and adhere to substantially all of a selected panel portion of the web." Claim 25 as amended includes "laminating a ribbon of reinforcing material to the advancing web of paperboard, the ribbon having a width less than the width of the web of paperboard and being positioned on, and adhered to, substantially all of a longitudinally extending panel portion of the web of paperboard." As shown in Fig. 3, the carton blank formed in *Stone* includes fold lines 48 that define panel portions. The container in *Stone* includes a narrow strip 38 of collar material, which is included to form the lip of a reclosable lid, not to reinforce the container. Furthermore, the ribbon 38 of *Stone* is not positioned to overlie and adhere to substantially all of a selected panel portion of the web as required in claims 1 and 25. As stated in column 4, lines 58-61:

Appl. No. 09/559,704  
Amendment dated December 16, 2003  
Reply to Office Action of September 17, 2003

After pre-applying the tear-tape material to the strip 38 of collar material, the portion 40 of the strip 38 below the tear-tape material (as viewed in FIG. 2) is press bonded to carton material 42 using an adhesive such as glue.

Stone continues at column 5, lines 36-45:

The collar blank 46 is adhered to the carton blank 44 along left portions (as viewed in FIG. 3) of one or more of the opposing front and back wall panels 16, 18 and the opposing side wall panels 20, 22, but to the right of the tear strip 27 (as viewed in FIG. 3). The left edge of the collar blank 46 substantially coincides with the left edges of the foregoing carton panels so that in the closed carton 10 in FIG. 1, the collar 24 extends upwardly in close proximity to the top wall 12.

Stone discloses that collar blank 46 is adhered to the carton only on the panel portion to the right of the tear strip 27 of Fig. 3. These adhered portions of reinforcement, collar blank 46 fail to overlie substantially all of a selected panel portion as claimed. Additionally, the portions of the collar strip 38 to the left of the tear strip 27 are not adhered to the panel portions. In fact, these left strips cannot be adhered to the blank since the formed carton would not function to open if they were adhered. Thus, since it does not disclose a reinforcement that substantially overlies and is adhered to substantially all of a selected panel portion of the web as claimed, *Stone* cannot anticipate independent claims 1 and 25 and rejections based thereupon should be removed.

Additionally, the *Stokes* reference fails to make up for the inadequacies of *Stone* because *inter alia*, *Stokes* does not include a teaching or suggestion to modify *Stone* to disclose all claimed elements. Specifically, *Stokes* fails to teach or suggest a motivation to have the ribbon overlie and adhere to substantially all of a panel portion as claimed. Thus, rejections based upon the combination of *Stokes* and *Stone* should be removed as improper.

Appl. No. 09/559,704  
Amendment dated December 16, 2003  
Reply to Office Action of September 17, 2003

Additionally, the dependent claims rejected by *Stone* alone or by the combination of *Stokes* and *Stone* are allowable for the same reasons as the independent claims they depend from as inheriting the allowable subject therefrom.

Therefore, the rejections based upon *Stone* alone, or the combination of *Stokes* and *Stone*, should be removed as failing to disclose all elements therein.

In view of the foregoing, the claims as amended are allowable over the cited prior art since neither *Anderson*, *Stone*, nor *Stokes* disclose each and every element or provide the required teaching or suggestion to modify the references to reach the claims. Therefore, Applicants request an early notice of allowance.

Should the Examiner have any questions or comments regarding the foregoing Amendment, he is invited and urged to telephone the undersigned attorney.

Respectfully Submitted,

12/16/03  
Date

Kent Quinalty  
Keats A. Quinalty  
Registration No. 46,426  
Steven D. Kerr  
Registration No. 32,472

Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
(404) 962-7524 (Telephone)  
(404) 870-8174 (Facsimile)

Docket No.: R029 1056